

1 **HEALTH AND HUMAN SERVICES BOARDS**
2 **AND COMMISSION AMENDMENT**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Jack A. Seitz**

6 **This act amends the Human Services Code, the Health Code, and the Judicial Code. The**
7 **act amends provisions related to advisory boards and committees within, or staffed by**
8 **the Department of Health or the Department of Human Services. The act consolidates or**
9 **repeals certain committees. The act authorizes the Board of Services for People with**
10 **Disabilities to establish a fee schedule with respect to certain services. The court permits**
11 **DCFS to collect fees for drug testing when ordered by the court. This act has an effective**
12 **date.**

13 This act affects sections of Utah Code Annotated 1953 as follows:

14 AMENDS:

15 **26-1-7**, as last amended by Chapter 307, Laws of Utah 2002

16 **62A-1-107**, as last amended by Chapter 176, Laws of Utah 2002

17 **62A-4a-102**, as last amended by Chapter 6, Laws of Utah 2002, Fifth Special Session

18 **62A-4a-105**, as last amended by Chapter 281, Laws of Utah 2002

19 **62A-4a-311**, as last amended by Chapter 276, Laws of Utah 1997

20 **62A-5-105**, as last amended by Chapter 275, Laws of Utah 2002

21 **62A-13-102**, as last amended by Chapter 43, Laws of Utah 2002

22 **62A-13-105**, as last amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

23 **62A-13-109**, as enacted by Chapter 158, Laws of Utah 1994

24 **62A-13-110**, as last amended by Chapter 13, Laws of Utah 1998

25 **62A-14-106**, as last amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

26 **78-45-7.13**, as last amended by Chapter 233, Laws of Utah 1997

27 ENACTS:



28 **62A-1-107.5**, Utah Code Annotated 1953

29 REPEALS:

30 **62A-7-401**, as last amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

31 **62A-13-103**, as last amended by Chapter 176, Laws of Utah 2002

32 **62A-13-104**, as enacted by Chapter 158, Laws of Utah 1994

33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **26-1-7** is amended to read:

35 **26-1-7. Committees within department.**

36 (1) There are created within the department the following committees:

37 ~~[(1)]~~ (a) Health Facility Committee;

38 ~~[(2)]~~ (b) State Emergency Medical Services Committee;

39 ~~[(3)]~~ (c) Health Data Committee; and

40 ~~[(4)]~~ (d) Utah Health Care Workforce Financial Assistance Program Advisory

41 Committee.

42 (2) The department shall:

43 (a) review all committees and advisory groups in existence before July 1, 2003 that are
44 not listed in Subsection (1) or Section 26-1-7.5, and not required by state or federal law; and

45 (b) beginning no later than July 1, 2003:

46 (i) consolidate those advisory groups and committees with other committees or
47 advisory groups as appropriate to create greater efficiencies and budgetary savings for the
48 department; and

49 (ii) create in writing, time-limited and subject-limited duties for the advisory groups or
50 committees as necessary to carry out the responsibilities of the department.

51 Section 2. Section **62A-1-107** is amended to read:

52 **62A-1-107. Boards within department -- Members, appointment, terms,**
53 **vacancies, chairperson, compensation, meetings, quorum.**

54 (1) Except as specifically provided in Sections 62A-4a-102, 62A-2-104, and
55 62A-14-106 regarding the Board of Child and Family Services, the Human Services Licensing
56 Board, and the Board of Public Guardian Services, each board described in Section 62A-1-105
57 shall have seven members who are appointed by the governor with the consent of the Senate.

58 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a

59 term of four years, and is eligible for one reappointment.

60 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
61 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
62 board members are staggered so that approximately half of the board is appointed every two
63 years.

64 (c) Board members shall continue in office until the expiration of their terms and until
65 their successors are appointed, which may not exceed 90 days after the formal expiration of a
66 term.

67 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
68 appointed for the unexpired term.

69 (3) ~~[No]~~ Except for the Board of Child and Family Services, no more than four
70 members of any board may be from the same political party. No more than six members of the
71 Board of Child and Family Services may be from the same political party. Each board shall
72 have diversity of gender, ethnicity, and culture; and members shall be chosen on the basis of
73 their active interest, experience, and demonstrated ability to deal with issues related to their
74 specific boards.

75 (4) Each board shall annually elect a chairperson from its membership. Each board
76 shall hold meetings at least once every three months. ~~[Meetings shall]~~ Within budgetary
77 constraints, meetings may be held from time to time on the call of the chairperson or of the
78 majority of the members of any board. Four members of a board are necessary to constitute a
79 quorum at any meeting, and, if a quorum exists, the action of the majority of members present
80 shall be the action of the board.

81 (5) (a) Members shall receive no compensation or benefits for their services, but may
82 receive per diem and expenses incurred in the performance of the member's official duties at
83 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

84 (b) Members may decline to receive per diem and expenses for their service.

85 (6) Each board shall adopt bylaws governing its activities. Bylaws shall include
86 procedures for removal of a board member who is unable or unwilling to fulfill the
87 requirements of his appointment.

88 (7) Each board has program policymaking authority for the division over which it
89 presides.

90 Section 3. Section **62A-1-107.5** is enacted to read:

91 **62A-1-107.5. Limitation on establishment of advisory bodies.**

92 (1) Department divisions and boards:

93 (a) may not establish permanent, ongoing advisory groups unless otherwise specifically
94 created in federal or state statute; and

95 (b) shall comply with the provisions of this section with regard to any advisory groups
96 created prior to or after July 1, 2003.

97 (2) Divisions and boards may establish subject-limited and time-limited ad hoc
98 advisory groups to provide input necessary to carry out their assigned responsibilities. When
99 establishing such an advisory group, the board must establish in writing a specific charge and
100 time limit.

101 (3) Members of any ad hoc advisory group shall receive no compensation or benefits
102 for their service.

103 (4) The provision of staffing and support to any ad hoc advisory group will be
104 contingent on availability of human and financial resources.

105 Section 4. Section **62A-4a-102** is amended to read:

106 **62A-4a-102. Board of Child and Family Services.**

107 (1) (a) The Board of Child and Family Services, created in accordance with this section
108 and with Sections 62A-1-105 and 62A-1-107, is responsible for establishing by rule, pursuant
109 to Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the policy of the division in
110 accordance with the requirements of this chapter and Title 78, Chapter 3a, Juvenile Court Act
111 of 1996, regarding abuse, neglect, and dependency proceedings, and domestic violence
112 services. The board is responsible to see that the legislative purposes for the division are
113 carried out.

114 (b) (i) The governor shall appoint, with the consent of the Senate, 11 members to the
115 Board of Child and Family Services.

116 (ii) Except as required by Subsection (1)(b)(iii), as terms of current board members
117 expire, the governor shall appoint each new member or reappointed member to a four-year
118 term.

119 (iii) Notwithstanding the requirements of Subsection (1)(b)(ii), the governor shall, at
120 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of

121 board members are staggered so that approximately half of the board is appointed every two
122 years.

123 (c) Two members of the board shall be persons who are or have been consumers, two
124 members of the board shall be persons who are actively involved in children's issues
125 specifically related to abuse and neglect, one member shall be a licensed foster parent, one
126 member shall be a recognized expert in the social, developmental, and mental health needs of
127 children, one member shall be a physician licensed to practice medicine in this state who is also
128 a board certified pediatrician and who is an expert in child abuse and neglect, and one member
129 shall be an adult relative of a child who is or has been in the foster care system.

130 (d) Six members of the board are necessary to constitute a quorum at any meeting.

131 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
132 appointed for the unexpired term.

133 (2) (a) Members shall receive no compensation or benefits for their services, but may
134 receive per diem and expenses incurred in the performance of the member's official duties at
135 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

136 (b) Members may decline to receive per diem and expenses for their service.

137 (3) The board shall:

138 (a) approve fee schedules for programs within the division;

139 (b) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
140 establish, by rule, policies to ensure that private citizens, consumers, foster parents, private
141 contract providers, allied state and local agencies, and others are provided with an opportunity
142 to comment and provide input regarding any new policy or proposed revision of an existing
143 policy; and

144 (c) provide a mechanism for systematic and regular review of existing policy and for
145 consideration of policy changes proposed by the persons and agencies described in Subsection
146 (3)(b).

147 [~~(4) The board may create state advisory committees to advise it concerning programs
148 offered by the Division of Child and Family Services. The board shall provide each committee
149 with a specific charge in writing.~~]

150 [(5)] (4) The board shall establish policies for the determination of eligibility for
151 services offered by the division in accordance with this chapter. The division may, by rule,

152 establish eligibility standards for consumers.

153 ~~[(6)]~~ (5) The board shall adopt and maintain rules and policies regarding placement for
154 adoption or foster care that are consistent with, and no more restrictive than, applicable
155 statutory provisions.

156 Section 5. Section **62A-4a-105** is amended to read:

157 **62A-4a-105. Division responsibilities.**

158 The division shall:

159 (1) administer services to children and families, including child welfare services,
160 domestic violence services, and all other responsibilities that the Legislature or the executive
161 director may assign to the division;

162 (2) establish standards for all contract providers of out-of-home care for children and
163 families;

164 (3) cooperate with the federal government in the administration of child welfare and
165 domestic violence programs and other human service activities assigned by the department;

166 (4) provide for the compilation of relevant information, statistics, and reports on child
167 and family service matters in the state;

168 (5) prepare and submit to the department, the governor, and the Legislature reports of
169 the operation and administration of the division in accordance with the requirements of
170 Sections 62A-4a-117 and 62A-4a-118;

171 (6) promote and enforce state and federal laws enacted for the protection of abused,
172 neglected, dependent, delinquent, ungovernable, and runaway children, and status offenders, in
173 accordance with the requirements of this chapter, unless administration is expressly vested in
174 another division or department of the state. In carrying out the provisions of this Subsection
175 (6), the division shall cooperate with the juvenile courts, the Division of Youth Corrections,
176 and with all public and private licensed child welfare agencies and institutions to develop and
177 administer a broad range of services and supports. The division shall take the initiative in all
178 matters involving the protection of abused or neglected children if adequate provisions have
179 not been made or are not likely to be made, and shall make expenditures necessary for the care
180 and protection of those children, within the division's budget;

181 (7) provide substitute care for dependent, abused, neglected, and delinquent children,
182 establish standards for substitute care facilities, and approve those facilities;

183 (8) provide adoption assistance to persons adopting children with special needs under
184 Part 9, Adoption Assistance, of this chapter. The financial support provided under this
185 Subsection (8) may not exceed the amounts the division would provide for the child as a legal
186 ward of the state;

187 (9) cooperate with the Division of Employment Development in the Department of
188 Workforce Services in meeting social and economic needs of individuals eligible for public
189 assistance;

190 (10) conduct court-ordered home evaluations for the district and juvenile courts with
191 regard to child custody issues. The court shall order either or both parties to reimburse the
192 division for the cost of that evaluation, in accordance with the community rate for that service
193 or with the department's fee schedule rate;

194 (11) provide noncustodial and in-home preventive services, designed to prevent family
195 breakup, family preservation services, and reunification services to families whose children are
196 in substitute care in accordance with the requirements of this chapter and Title 78, Chapter 3a,
197 Juvenile Court Act of 1996;

198 (12) provide protective supervision of a family, upon court order, in an effort to
199 eliminate abuse or neglect of a child in that family;

200 (13) establish programs and provide services to minors who have been placed in the
201 custody of the division for reasons other than abuse or neglect, pursuant to Section
202 62A-4a-250;

203 (14) provide shelter care in accordance with the requirements of this chapter and Title
204 78, Chapter 3a, Juvenile Court Act of 1996;

205 (15) provide social studies and reports for the juvenile court in accordance with Section
206 78-3a-505;

207 (16) arrange for and provide training for staff and providers involved in the
208 administration and delivery of services offered by the division in accordance with this chapter;

209 (17) provide domestic violence services in accordance with the requirements of federal
210 law, and establish standards for all direct or contract providers of domestic violence services.
211 Within appropriations from the Legislature, the division shall provide or contract for a variety
212 of domestic violence services and treatment methods;

213 (18) ensure regular, periodic publication, including electronic publication, regarding

214 the number of children in the custody of the division who have a permanency goal of adoption,
 215 or for whom a final plan of termination of parental rights has been approved, pursuant to
 216 Section 78-3a-312, and promote adoption of those children;

217 (19) provide protective services to victims of domestic violence, as defined in Section
 218 77-36-1, and their children, in accordance with the provisions of this chapter and of Title 78,
 219 Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings;

220 (20) ~~h [conduct court-ordered drug screening tests for]~~ REFER h an individual receiving
 220a services

221 from the division h **TO THE LOCAL SUBSTANCE ABUSE AUTHORITY OR OTHER PRIVATE OR**
 221a **PUBLIC RESOURCE FOR COURT-ORDERED DRUG SCREENING TEST** h . The court shall order the
 221b individual to h ~~[reimburse the division for the cost of~~

222 ~~the drug screening, in accordance with the department's fee schedule rate, unless:]~~ **PAY ALL COSTS**
 222a **OF THE TESTS UNLESS: h**

223 (a) the cost of the drug screening is specifically funded or provided for by other federal
 224 or state programs;

225 (b) the individual is a participant in a drug court; or

226 (c) the court finds that the individual is impecunious;

227 ~~[(20)]~~ (21) have authority to contract with a private, nonprofit organization to recruit
 228 and train foster care families and child welfare volunteers in accordance with Section
 229 62A-4a-107.5; and

230 ~~[(21)]~~ (22) perform such other duties and functions as required by law.

231 Section 6. Section **62A-4a-311** is amended to read:

232 **62A-4a-311. Child Abuse Advisory Council -- Creation -- Membership --**
 233 **Expenses.**

234 (1) (a) There is established the Child Abuse Advisory Council composed of [~~at least~~]
 235 no more than 25 members who are appointed by the board.

236 (b) Except as required by Subsection (1)(c), as terms of current council members
 237 expire, the board shall appoint each new member or reappointed member to a four-year term.

238 (c) Notwithstanding the requirements of Subsection (1)(b), the board shall, at the time
 239 of appointment or reappointment, adjust the length of terms to ensure that the terms of council
 240 members are staggered so that approximately half of the council is appointed every two years.

241 (d) The council shall have geographic, economic, gender, cultural, and philosophical
 242 diversity.

243 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
 244 appointed for the unexpired term.

245 (2) The council shall elect a chairperson from its membership at least biannually.

246 (3) (a) Members shall receive no compensation or benefits for their services, but may
247 receive per diem and expenses incurred in the performance of the member's official duties at
248 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

249 (b) Members may decline to receive per diem and expenses for their service.

250 (4) The council shall hold a public meeting [~~at least~~] quarterly. [~~Meetings shall~~]
251 Within budgetary constraints, meetings may also be held on the call of the chair, or of a
252 majority of the members. Thirteen members shall constitute a quorum at any meeting and the
253 action of the majority of the members present shall be the action of the council.

254 (5) The council shall advise the board on matters relating to child abuse and neglect.
255 The council shall also recommend to the board how funds contained in the Children's Trust
256 Account shall be allocated.

257 Section 7. Section **62A-5-105** is amended to read:

258 **62A-5-105. Board -- Membership -- Responsibilities -- Policy mediation.**

259 (1) The board is the policymaking body for the division and shall establish by rule the
260 policy of the division in accordance with:

261 (a) the policy of the Legislature as set forth by this chapter; and

262 (b) Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

263 (2) The board shall:

264 (a) establish program policy for the division, the developmental center, and programs
265 and facilities operated by or under contract with the division;

266 (b) establish policies for the assessment and collection of fees for programs within the
267 division;

268 (c) no later than July 1, 2003, establish a graduated fee schedule based on ability to pay
269 and implement such schedule with respect to service recipients and their families where not
270 otherwise prohibited by federal law or regulation or not otherwise provided for in Section
271 62A-5-109;

272 [~~(c)~~] (d) establish procedures to ensure that private citizens, consumers, private
273 contract providers, allied state and local agencies, and others are provided with an opportunity
274 to comment and provide input regarding any new policy or proposed revision to an existing
275 policy;

276 [4] (e) provide a mechanism for systematic and regular review of existing policy and
277 for consideration of policy changes proposed by the persons and agencies described under
278 Subsection (2)[4] (d);

279 [4] (f) (i) periodically review the criteria used to determine who may receive services
280 from the division and how the delivery of those services is prioritized within available funding;
281 and

282 (ii) make periodic recommendations based on the review conducted under Subsection
283 (2)[4] (f)(i) to the Health and Human Services Interim Committee beginning at or before the
284 September 2002 meeting of the committee;

285 [4] (g) review implementation and compliance by the division with policies
286 established by the board to ensure that the policies established by the Legislature in this chapter
287 are carried out; and

288 [4] (h) annually report to the executive director.

289 (3) At least one member of the board shall be a person whose life or family is directly
290 affected by a disability, and at least one other board member shall be a person with a physical
291 disability.

292 (4) The executive director shall mediate any differences which arise between the
293 policies of the board and those of any other policy board in the department.

294 Section 8. Section **62A-13-102** is amended to read:

295 **62A-13-102. Definitions.**

296 As used in this chapter:

297 (1) "Applicant" means a person who meets the application requirements established by
298 the committee for a grant or a scholarship under this chapter.

299 [2] "~~Committee~~" means the ~~Rural Mental Health Therapist Financial Assistance~~
300 ~~Committee created by Section 62A-13-103.~~]

301 [3] (2) "Educational expenses" are tuition, fees, books, supplies, educational
302 equipment and material, and reasonable living expenses.

303 [4] (3) "Medically underserved rural area" means a county, city, town, or other
304 service area with a population of less than 99 people per square mile and designated by the
305 committee as underserved by mental health therapists.

306 [5] (4) "Mental health therapist" means an individual exempt from licensure under

307 Subsection 58-1-307(1)(c) or licensed under Title 58, Occupations and Professions, as a:

308 (a) physician and surgeon, or osteopathic physician engaged in the practice of mental
309 health therapy;

310 (b) registered psychiatric mental health nurse specialist;

311 (c) psychologist qualified to engage in the practice of mental health therapy;

312 (d) certified psychology resident;

313 (e) clinical social worker;

314 (f) certified social worker;

315 (g) marriage and family therapist;

316 (h) certified marriage and family therapist intern;

317 (i) professional counselor; or

318 (j) certified professional counselor intern.

319 ~~[(6)]~~ (5) "Practice of mental health therapy" means treatment or prevention of mental
320 illness, including:

321 (a) conducting a professional evaluation of an individual's condition of mental health,
322 mental illness, or emotional disorder consistent with standards generally recognized in the
323 professions of mental health therapy listed under Subsection ~~[(5)]~~ (4);

324 (b) establishing a diagnosis in accordance with established written standards generally
325 recognized in the professions of mental health therapy listed under Subsection ~~[(5)]~~ (4);

326 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
327 emotional disorder; or

328 (d) engaging in the conduct of professional intervention, including psychotherapy by
329 the application of established methods and procedures generally recognized in the professions
330 of mental health therapy listed under Subsection ~~[(5)]~~ (4).

331 ~~[(7)]~~ (6) "Recipient" means an applicant selected to receive a grant or a scholarship
332 under this chapter.

333 Section 9. Section **62A-13-105** is amended to read:

334 **62A-13-105. Department duties and powers.**

335 (1) The department shall administer this chapter within the Division of Substance
336 Abuse and Mental Health, created in Section 62A-15-103~~], and provide division staff to the~~
337 ~~committee]~~ and under the policy direction of the Board of Substance Abuse and Mental Health

338 created in Section 62A-1-105.

339 (2) The Division of Substance Abuse and Mental Health shall establish rules in
340 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act to:

- 341 (a) establish application procedures for grants and scholarships;
- 342 (b) establish eligibility and selection criteria for grant and scholarship recipients;
- 343 (c) determine grant and scholarship awards and conditions for each recipient;
- 344 (d) designate eligible underserved rural areas regarding available mental health therapy
345 services in which recipients may fulfill their service obligations; and
- 346 (e) establish educational requirements necessary for the grant or scholarship recipient
347 to be qualified to meet service obligations.

348 (3) The Division of Substance Abuse and Mental Health may:

- 349 (a) approve the specific site at which a recipient may fulfill his service obligations
350 under this chapter;
- 351 (b) set limitations on the amount an individual may receive and on the number of years
352 for which an individual may receive funds under this chapter;
- 353 (c) cancel grants or scholarships for cause and, for compelling reasons, accept a lesser
354 measure of damages for breach of a grant or scholarship contract or release a recipient from the
355 service obligation without penalty for extreme hardship or other good cause;
- 356 (d) cancel a grant or scholarship for cause without penalty to the state; and
- 357 (e) cancel a grant or a scholarship if the recipient fails to meet the conditions of the
358 award or if it reasonably appears the recipient will not meet the grant or scholarship conditions.

359 ~~(4)~~ (4) The department may accept gifts, grants, loans, and other aid or funds from
360 any person, association, foundation, trust, corporation, governmental agency, or other entity for
361 the purposes set forth in this chapter.

362 Section 10. Section **62A-13-109** is amended to read:

363 **62A-13-109. Funding.**

364 (1) Appropriations for programs under this chapter shall be a separate line item to the
365 department in the annual appropriations act, and unless otherwise provided in an appropriations
366 act, is nonlapsing.

367 (2) Federal funds, gifts, endowments, contributions for the programs, and damages
368 collected from breach of program contracts may also be used for programs under this chapter

369 and are nonlapsing.

370 (3) After a program contract has been signed by both parties, the department shall set
371 aside the funds necessary to ensure sufficient funds will be available to make payments under
372 the contract for the full term of obligated service.

373 (4) Funding under Subsections (1) and (2) shall be used to make payments under the
374 program contracts.

375 (5) [~~Committee and department~~] Department staff support costs necessary to
376 administer this chapter shall be appropriated by the Legislature.

377 Section 11. Section **62A-13-110** is amended to read:

378 **62A-13-110. Reporting.**

379 Annually on or before August 1, the [~~committee~~] Division of Substance Abuse and
380 Mental Health shall submit a written report of its activities under this chapter to the executive
381 director of the department and to the Health and Human Services Interim Committee of the
382 Legislature. The report shall include:

- 383 (1) the number and type of grant and scholarship recipients;
384 (2) the total amount of each grant and scholarship;
385 (3) the site at which each grant recipient is practicing;
386 (4) the site at which each scholarship recipient is practicing;
387 (5) the number of applications filed under this chapter within the preceding year; and
388 (6) the amount of administrative expenses incurred by the committee and by the
389 department to provide staff support during the preceding year in carrying out the provisions of
390 this chapter.

391 Section 12. Section **62A-14-106** is amended to read:

392 **62A-14-106. Board of Public Guardian Services.**

393 (1) The Board of Public Guardian Services, created in accordance with this section and
394 Section 62A-1-105, is responsible for establishing the policy of the office in accordance with
395 this chapter and seeing that the legislative purposes for the office are carried out.

396 (2) The executive director shall appoint nine members to the Board of Public Guardian
397 Services, as follows:

- 398 (a) a member of the Board of Aging and Adult Services or designee;
399 (b) a member of the Board of Services for Persons with Disabilities or designee;

- 400 (c) a member of the Board of Substance Abuse and Mental Health or designee;
- 401 (d) a representative of the long-term care industry;
- 402 (e) a representative of the hospital industry;
- 403 (f) a representative of persons with disabilities;
- 404 (g) a representative of senior citizens;
- 405 (h) a physician; and
- 406 (i) an attorney with experience in guardianship and conservatorship law.

407 (3) (a) Except as provided in Subsection (3)(b), each member shall be appointed for a
408 four-year term and eligible for one reappointment.

409 (b) Notwithstanding Subsection (3)(a), the executive director shall, at the time of
410 appointment or reappointment, adjust the length of terms to ensure that the terms of board
411 members are staggered so that approximately half of the board is appointed every two years,
412 taking into account the remaining term of board members who serve on other department
413 boards.

414 (c) A board member shall continue in office until the expiration of the member's term
415 and until a successor is appointed, which may not exceed 90 days after the formal expiration of
416 the term.

417 (d) When a vacancy occurs in membership for any reason, the replacement shall be
418 appointed for the unexpired term.

419 (e) The make up of the board should reflect political and geographic diversity.

420 (4) The board shall annually elect a chairperson from its membership. The board shall
421 hold meetings at least once every three months. Meetings shall be held from time to time on
422 the call of the chairperson or a majority of the board members. Five board members are
423 necessary to constitute a quorum at any meeting and, if a quorum exists, the action of a
424 majority of members present shall be the action of the board.

425 (5) (a) Board members who are not government employees may not receive
426 compensation or benefits for their services, but may receive per diem and expenses incurred in
427 the performance of their official duties at rates established by the Division of Finance under
428 Sections 63A-3-106 and 63A-3-107.

429 (b) Members of the board may decline to receive per diem expenses for their services.

430 (6) The board shall:

- 431 (a) establish program policy for the office;
- 432 (b) establish a mechanism for systematic and regular review of existing policy and for
433 consideration of policy changes; and
- 434 (c) set fees for the office, excluding attorneys fees, in accordance with Section
435 63-38-3.2.
- 436 Section 13. Section **78-45-7.13** is amended to read:
- 437 **78-45-7.13. Advisory committee -- Membership and functions.**
- 438 (1) On or before March 1, ~~[1995]~~ 2007 and then on or before March 1 of every fourth
439 year subsequently, the governor shall appoint an advisory committee consisting of:
- 440 (a) one representative recommended by the Office of Recovery Services;
- 441 (b) one representative recommended by the Judicial Council;
- 442 (c) two representatives recommended by the Utah State Bar Association;
- 443 (d) two representatives of noncustodial parents~~[- one male and one female, appointed~~
444 ~~by the governor];~~
- 445 (e) two representatives of custodial parents~~[- one male and one female, appointed by~~
446 ~~the governor; and];~~
- 447 ~~[(f) an uneven number of additional persons, not to exceed three, who represent]~~
448 (f) one representative with expertise in economics; and
- 449 (g) two representatives from diverse interests related to child support issues, as the
450 governor may consider appropriate. However, none of the individuals appointed under this
451 subsection may be members of the Utah State Bar Association.
- 452 ~~[(2) (a) Except as required by Subsection (b), as terms of current committee members~~
453 ~~expire, the governor shall appoint each new member or reappointed member to a four-year~~
454 ~~term.]~~
- 455 ~~[(b) Notwithstanding the requirements of Subsection (a), the governor shall, at the time~~
456 ~~of appointment or reappointment, adjust the length of terms to ensure that the terms of~~
457 ~~committee members are staggered so that approximately half of the committee is appointed~~
458 ~~every two years.]~~
- 459 (2) The term of the committee members expires one month after the report of the
460 committee is submitted to the Legislature under Subsection (4).
- 461 (3) When a vacancy occurs in the membership for any reason, the replacement shall be

462 appointed for the unexpired term.

463 (4) (a) The advisory committee shall review the child support guidelines to ensure their
464 application results in the determination of appropriate child support award amounts.

465 (b) The committee shall report to the Legislative Judiciary Interim Committee on or
466 before October 1 in [~~1989~~] 2007 and [~~1991, and~~] then on or before October 1 of every fourth
467 year subsequently.

468 (c) The committee's report shall include recommendations of the majority of the
469 committee, as well as specific recommendations of individual members of the committee.

470 (5) (a) (i) Members who are not government employees shall receive no compensation
471 or benefits for their services, but may receive per diem and expenses incurred in the
472 performance of the member's official duties at the rates established by the Division of Finance
473 under Sections 63A-3-106 and 63A-3-107.

474 (ii) Members may decline to receive per diem and expenses for their service.

475 (b) (i) State government officer and employee members who do not receive salary, per
476 diem, or expenses from their agency for their service may receive per diem and expenses
477 incurred in the performance of their official duties from the committee at the rates established
478 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

479 (ii) State government officer and employee members may decline to receive per diem
480 and expenses for their service.

481 (6) Staff for the committee shall be provided from the existing budgets of the
482 Department of Human Services.

483 (7) The committee ceases to exist no later than [~~the date the subsequent committee~~
484 ~~under this section is appointed~~] November 1, 2003 and then on November 1 of every fourth
485 year subsequently.

486 (8) Any committee appointed by the governor prior to October 1, 2003 ceases to exist
487 on November 1, 2003.

488 Section 14. **Repealer.**

489 This act repeals:

490 Section **62A-7-401, Juvenile Sex Offender Authority -- Purpose -- Duties --**
491 **Members --Staff specialists.**

492 Section **62A-13-103, Rural Mental Health Therapist Financial Assistance**

493 **Committee created.**

494 Section **62A-13-104, Committee duties and powers.**

495 Section 15. **Effective date.**

496 This act takes effect on May 6, 2003, except that Section 78-45-7.13 takes effect on

497 November 1, 2003.

Legislative Review Note

as of **2-7-03 1:46 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

AMENDED NOTE

State Impact

This legislation will allow some savings in administrative staff time in supporting these entities that will be eliminated. Revenues expected from the sliding fee scale that will be established in the Division of Services for People with Disabilities is expected to generate about \$15,000, or more. These funds will go to the contract service providers who will receive comparable reduced payments from the Division. The Division will be able to provide additional services as a result.

Individual and Business Impact

Some individuals will be affected by the sliding fee scale set by the Board of Services for People with Disabilities.

Office of the Legislative Fiscal Analyst